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SUBJECT: INDONESIA: 2006 CHILD LABOR UPDATE FOR TRADE AND
DEVELOPMENT ACT REPORTING

REF: A. STATE 184972- REQUEST FOR UPDATE

- [1](#)B. JAKARTA 2849- TRAFFICKING IN PERSONS REPORT 2006
- [1](#)C. 05 JAKARTA 12001- CHILD LABOR REPORT 2005
- [1](#)D. 04 JAKARTA 8500- CHILD LABOR REPORT 2004
- [1](#)E. 03 JAKARTA 9517- CHILD LABOR REPORT 2003
- [1](#)F. 02 JAKARTA 5172- CHILD LABOR REPORT 2002
- [1](#)G. 01 JAKARTA 3733- CHILD LABOR REPORT 2001

SUMMARY AND INTRODUCTION

[1](#)1. This report provides updated information on Indonesia's efforts to eliminate the worst forms of child labor, for the period August 2005 to November 2006. This message updates Jakarta's 2005 report (ref c) and draws in places on Jakarta's March 2006 trafficking in persons report (ref b) and the 2005 Human Rights Report.

[1](#)2. Children working in the worst forms of child labor constitute a serious humanitarian, legal and societal problem in Indonesia. The Indonesian Government (GOI) recognizes the problem and has the legal foundations for combating the worst forms of child labor. During this reporting period, the GOI did not enact any additional national legislation or new significant regulations although new policy was instituted at local levels. Existing laws, such as the Child Protection Act and the Manpower Development and Protection Act (the Manpower Act), contain significant criminal sanctions to deter child labor violations, but the GOI did not enforce these laws in an effective manner. Formal mechanisms exist at the provincial and local levels for uncovering and addressing the worst forms of child labor, but the GOI did not provide statistics on investigations related to child labor. Police increased law enforcement actions to combat child trafficking for prostitution and to protect against export of child labor overseas.

[1](#)3. The GOI took more steps to provide basic education to poor students. The GOI has a comprehensive policy for eliminating the worst forms of child labor in the form of a National Action Plan. Most activities carried out in support of the action plan have been small-scale and limited to select communities. International organizations and NGOs, often supported by U.S. funding, conducted many of these

projects. Indonesia remained open and cooperative toward outside assistance in combating the worst forms of child labor, and the U.S. Government remained the most prominent donor.

End Summary and Introduction.

SOURCES

¶4. Sources of information for this report include: the Ministry of Manpower and Transmigration, the Coordinating Ministry for People,s Social Welfare, the Ministry for Women,s Empowerment, local governments, ILO, UNICEF, the AFL-CIO,s American Center for International Labor Solidarity (the Solidarity Center), the International Catholic Migration Commission (ICMC), Save the Children, and local NGOs.

CATEGORIES OF THE WORST FORMS OF CHILD LABOR

¶5. The lack of accurate and comprehensive data frustrates attempts to determine trends in child labor. GOI statistics do not provide a firm basis for drawing conclusions. A 2004 GOI survey found 2.86 million children employed in the 10 to 17 years age group. Informal ILO estimates of economically active children are four times higher. More recent statistics are not available.

¶6. Recent information from the the East Java Provincial Planning and Development Board is indicative of the problem: East Javanese children are used in some of the most dangerous jobs in the province including: sex workers, illegal drug

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agents and distributors, beggars, house maids, fishermen and mine workers. An official 2005 survey found child employment in East Java centered on house maids, construction laborers, migrant farm workers, beggars, cigarette rollers, street vendors, sex workers, handicraft workers, and furniture lathe workers. In Malang Regency, thousands of children work in small cigarette factories rolling cigarettes. The average wage paid is 65 cents per day and is based on the number of cigarettes rolled.

LAWS AND REGULATIONS PROSCRIBING THE WORST
FORMS OF CHILD LABOR

¶7. Indonesia did not develop additional national laws or significant new regulations regarding child labor during this reporting period. The anti-trafficking bill, pending before Parliament, provides for jail sentences ranging from 3 to 10 years for trafficking acts, and increased sentences if these involve women (4 to 15 years) or children (5 to 20 years). Indonesia ratified ILO Convention No. 182, concerning the prohibition and immediate action to eliminate the worst forms of child labor, in March 2000 with Act No. 1/2000. Indonesia also ratified ILO Convention No. 138 concerning the minimum employment age with Act No. 20 of 1999, which stipulates a minimum age for employment of 15 years.

¶8. The Government of Indonesia through the Ministry of Manpower and Transmigration is currently preparing a draft law on protection of domestic workers which will also cover the issue of employment of children under 18 as domestic workers. Current Indonesian labor law allows employment of children age 13-15 for light work that does not stunt physical development, with written permission from parents or guardians and a contract, for a maximum three-hour work day that does not interfere with the child's education schedule. Children age 14 may be employed at a workplace as part of the school curriculum or in training permitted by authorizies.

However, NGOs agree that large numbers of children under age 16 work long hours in the informal sector, primarily as domestic workers. There are no accurate figures on the number of such child workers.

REGULATIONS FOR THE IMPLEMENTATION AND ENFORCEMENT
OF PROSCRIPTIONS AGAINST THE WORST FORMS OF CHILD LABOR

¶9. Indonesian authorities generally apply the Penal Code and, more recently, the 2003 Child Protection Act, for cases involving the protection of children. The Child Protection Act provides for criminal sanctions and lengthy jail terms for persons who violate children's rights, including economic and sexual exploitation. Over the two years, Indonesian authorities increasingly used the Child Protection Act to prosecute traffickers of children, including eight convictions in 2005 and five convictions in 2006, based on unofficial and partial tracking of cases. The 2003 Manpower Act and its implementing decree further improved the legal basis for enforcing proscriptions against the worst forms of child labor. The Manpower Act provides for criminal penalties for child labor violations and strengthens investigative authority for labor inspectors.

¶10. Indonesian local governments implemented new local regulations to protect child laborers. In 2006, the East Lombok provincial legislature passed the province's first local bylaw on Migrant Worker Protection, which extends and expands protection to child workers. At the district level, Indramayu district in West Java enacted a law in 2005 on Prevention and Prohibition of Trafficking of Children for Sexual Purposes. In 2004, the Mojokerto District in East Java issued a decree on Child Protection. The Kutai Kertanegara District in East Kalimantan enacted a 2004 law on Child Labor Free Zone.

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IMPLEMENTATION OF SOCIAL PROGRAMS TO PREVENT AND
WITHDRAW CHILDREN FROM THE WORST FORMS OF CHILD LABOR

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¶11. Indonesia's Constitution, as amended in 2002, stipulates that the Government dedicate 20 percent of the national budget to education. While the budget has fallen far short of this goal, President Yudhoyono in his 2007 budget proposed an education budget of 51.3 trillion rupiah (USD 5.7 billion), an increase of 18.5 percent over the 2006 state budget of 43.3 trillion rupiah (USD 4.8 billion). The Indonesian Government works with USAID to implement President Bush's \$157 million 6-year Education Initiative.

¶12. The GOI, in cooperation with the World Bank, started a pilot project in 2006 to fund impoverished children laborers to return to school, beginning in six provinces. In 2005, the GOI introduced a program to provide free education to primary and junior high school students from poor families to ensure that all children go through a minimum nine years of schooling. In 2006, the GOI provided this assistance to 39.9 million students. The Ministry of National Education developed various programs to reach child labor workers and other marginalized children: through open junior schools, non-formal education approaches, and remedial programs.

¶13. In the context of Indonesia's on-going decentralization, some provinces and regencies have embarked on their own programs to combat child labor. The East Java provincial government allocated 36.7 trillion rupiah (USD 4.1 billion), or 19 percent of its 2005 provincial budget for education.

COMPREHENSIVE POLICY AIMED AT THE ELIMINATION

¶14. Indonesia has a comprehensive policy to eliminate the worst forms of child labor, represented by a National Action Plans for eliminating trafficking in women and children and commercial sexual exploitation of children (both launched in December 2002) and the 20-year National Plan of Action on the Elimination of the Worst Forms of Child Labor. However, implementation and coordination of the plans remained difficult and inadequate. The 20-year Plan of Action is currently in its first five-year phase (2002-2006). The first phase focuses on mapping child labor problems, raising awareness, and eliminating five priority worst forms of child labor, which include: off-shore fishing and diving; trafficking for purposes of prostitution; mining; footwear production; and drug trafficking. In 2006, action committees were established in 10 provinces and 41 districts.

CONTINUAL PROGRESS TOWARD ELIMINATING
THE WORST FORMS OF CHILD LABOR

¶15. The GOI and observers agree that the prevalence of the worst forms of child labor remains a serious problem for Indonesia, though lack of accurate and sufficiently comprehensive data frustrates the determination of trends. The GOI recognizes that no adequate estimates exist on the number of children nationwide employed in the worst forms of child labor.

¶16. Indonesia's efforts to implement activities to combat the worst forms of child labor remain limited. International funding continues to play an important role. The U.S. Department of Labor, the Department of State and USAID are main sources of funding for Indonesia in the area of child labor and trafficking in persons. The ILO, UNICEF, the International Organization for Migration (IOM) and international NGOs, such as ICMC, the Solidarity Center, and Save the Children implement activities to combat the worst forms of child labor and child trafficking, often supporting GOI programs and local NGOs. The Indonesian Government remains very open to outside assistance in eliminating the worst forms of child labor and child trafficking.

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¶17. Provincial governments continued their efforts to combat the worst forms of child labor. Several new East Java programs to remove children from dangerous employment situations and to prevent child labor through counseling are administered by the provincial and regency Integrated Service Centers and by NGOs. During 2006, East Java started a telephone hotline service to provide advocacy and counseling services for children. A forum involving child protection NGO Abdi Asih Foundation, social leaders, police, pimps, and related governmental departments was established in Surabaya in March 2006. It will supervise the work of local networks established previously in 2005 to promote the elimination of child prostitution. The Surabaya city government is providing non-formal education programs for those who cannot afford formal education. Starting May 2006, the NGO Alit Foundation began providing education for street children in five different locations in Surabaya. Currently, 100 street children participate in the program.

¶18. During 2006, the East Java Government implemented a new program to provide vocational skill training for 865 child laborers and entrepreneurship training for the parents of the child laborers. The East Java government also provided vocational training centers (BLK) in many of its regencies. The BLKs provide training for minors in the automotive, furniture, and batik industries.

¶19. Central Java started distributing 225 scholarships in

2006 to children in 15 regencies to defray the costs of low income children attending public schools and help keep them out of the workforce. Yogyakarta provided 650 low income child scholarships to public schools during 2006 and also provided entrepreneurship training to 540 parents of child laborers. Central Sulawesi provided mobile education programs to provide free education to children in villages that do not have access to formal schools. Bali provided training for 200 former child laborers in the hospitality industry, providing an opportunity to leave more dangerous forms of child employment. In 2002, Kutai Kertanegara District in East Kalimantan established the Child Labor Free Zone and issued a 2004 local regulation that provided criminal sanctions for parents who allow children under the age of 15 years to work. The program has successfully reduced the number of child laborers from 11,623 child workers in 2002 to only 1500 child workers in 2006, a decrease of 88 percent.

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